

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DERRICK DESHAWN MILLER,
DARREN WALLACE CHAPPELL,
and STACEY SIMEON HALL,

Plaintiffs,

Case No. 15-12500

Hon. Marianne O. Battani

v.

HANWHA L&C MONROE PLANT,
et al.,

Defendants.

**ORDER ADOPTING REPORT AND RECOMMENDATION
AND DISMISSING PLAINTIFFS' COMPLAINTS**

Plaintiffs Derrick Miller, Darren Chappell, and Stacey Hall filed complaints alleging employment discrimination under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 200 et seq., and 42 U.S.C. § 1981 against Defendants Hanwha L&C Monroe plant, Cathy Garello-Deron, Chang-Bum Kim, Sang Mook Lee, Dennis Kirkland, and the Equal Employment Opportunity Commission and four of its employees. The Court consolidated the three cases in March 2016, under the lead case, 15-12500. Before the consolidation, the Court dismissed Chang-Bum Kim, Sang Mook Lee, and Dennis Kirkland from Hall's case. The dismissal did not apply to Miller's complaint or Chappell's complaint. The Court subsequently referred all pretrial matters to Magistrate Judge David R. Grand pursuant to 28 U.S.C. § 636(b)(1)(B). (Doc. No. 13).

On May 26, 2017, the Magistrate Judge recommended that the Court dismiss Defendants Kim, Lee, and Kirkland from the Miller and Chappell complaints without

prejudice for failure to serve. The Magistrate Judge informed the parties that objections to the Report and Recommendation ("R&R") must be filed within fourteen days of service and that a party's failure to file objections would waive any further right of appeal. See, (Doc. No. 73 at 5).

Because no objection has been filed in this case, the parties waived their right to review and appeal. Moreover, the Courts finds the analysis thoroughly recounted the procedural history and properly applied the governing law in reaching the recommendation to dismiss the three Defendants without prejudice for failure to timely serve them.

Accordingly, the Court **ADOPTS** the Magistrate Judge's recommendations **DISMISSES** Plaintiffs' claims against Defendants Kim, Lee, and Kirkland without prejudice.

IT IS SO ORDERED.

Date: July 31, 2017

s/Marianne O. Battani
MARIANNE O. BATTANI
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Order was served upon counsel of record via the Court's ECF System to their respective email addresses or First Class U.S. mail to the non-ECF participants on July 31, 2017.

s/ Kay Doaks
Case Manager